

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Budny, John et al	) Examiner: Mr. K. Weddington	
	)	
Serial No.: 09/875,997	) Art Unit: 1614	
	)	
Filing Date: June 6, 2001	) Re: Reinstatement Request	#9
	)	
For: "Compositions for Treating Cystic Fibrosis"	) Our Ref: 1008-119.US	
	)	
	) Date: August 26, 2002	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Reference is made to the Notice of Abandonment mailed August 14, 2002.

This application has been *incorrectly* held abandoned by the USPTO, and reinstatement thereof is requested. Reasons for this reinstatement request are set forth below.

1. In an office action dated January 11, 2002, the Examiner rejected claims 1 to 29 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,159,447. No other issues were raised in the office action and the Examiner indicated that a timely filed terminal disclaimer may be used to overcome the rejection.

Page 2

USSN 09/875,997

August 26, 2002

2. A Response was filed on May 10, 2002, including a Terminal Disclaimer, a Petition for Extension of Time, a fee for the Extension, the fee for the Terminal Disclaimer, and a return postcard. A copy of this entire Response with all enclosures, including the postcard returned from the Patent Office acknowledging receipt thereof, is attached hereto. It is submitted that this Response dated May 10, 2002 was a good faith attempt to overcome the issues raised by the Examiner to secure allowance of the application, and in fact constituted a full response to the office action.

3. The Notice of Abandonment was mailed on August 14, 2002 and states that "no response has been received". Applicant provides proof herewith that a response was in fact received at the USPTO. Further, attached to the Notice of Abandonment is an Interview Summary of an interview between the Examiner and the undersigned on August 7, 2002. The undersigned received a voice message on August 7, 2002, but no interview took place, and the undersigned was out of the office on vacation for the entire week of August 5-9, 2002. The undersigned contacted the Examiner on August 12, and August 16.

Applicant submits that a complete and full Response to the office action of January 11, 2002 was filed, and proof of such receipt thereof at the USPTO is provided herewith. It is

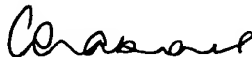
Page 3

USSN 09/875,997

August 26, 2002

therefore submitted that the present application has not been abandoned, and its reinstatement is therefore requested. If there are any further outstanding issues, the Examiner is requested to advise the undersigned thereof.

Respectfully submitted,



Colin P. Abrahams (Reg. No. 32,393)  
5850 Canoga Avenue, Suite 400  
Woodland Hills, CA 91367  
Tel (818)710-2788; Fax (818)710-2798

Enclosed: as listed above

Certificate of Facsimile Transmission (37 CFR 1.8):

I hereby certify that this correspondence is being transmitted by facsimile to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on August 26, 2002 to  
facsimile number (703)308-4242.



Colin P. Abrahams

pharmacal1008-119.US19